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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DEPOMED, INC.,

Plaintiff,

v.

PURDUE PHARMA L.P., THE P.F.
LABORATORIES, INC., PURDUE
PHARMACEUTICALS L.P.,

Defendants.

) C.A. No.:3:13-CV-00571-MLC-TJB

) Return Date: July 5, 2016

)

) **DECLARATION OF YURIDIA**

) **CAIRE IN SUPPORT OF**

) **DEPOMED'S OPPOSITION TO**

) **PURDUE'S MOTION FOR**

) **LEAVE TO FILE AMENDED**

) **INVALIDITY CONTENTIONS**

) **AND DEPOMED'S CROSS-**

) **MOTION TO STRIKE PURDUE'S**

) **INVALIDITY THEORIES**

I, Yuridia Caire, do declare and state as follows:

1. I am an attorney with the law firm Kramer Levin Naftalis & Frankel LLP, counsel for Plaintiff Depomed, Inc. (“Depomed”). I have personal knowledge of the facts stated herein and can testify competently to those facts. I make this declaration in support of Plaintiff Depomed, Inc.’s Opposition to Purdue’s Motion for Leave to File Amended Invalidity Contentions and Cross-Motion to Strike Purdue’s Invalidity Theories.

2. Attached hereto as Exhibit 1 is a true and correct copy Purdue’s List of Proposed Claim Terms for Construction Pursuant to L. Pat. R. 4.1, in this present action, served on January 22, 2014.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Judgment filed on August 19, 2014, in the action *Depomed, Inc. v. Actavis Elizabeth LLC, et al.*, Case No. 3:12-cv-01358-JAP-TJB, Dkt. No. 376 (D.N.J.).

4. Attached hereto as Exhibit 3 is a true and correct copy of a letter from Keith J. Miller, counsel for Depomed, to Honorable Tonianne J. Bongiovanni, United States Magistrate Judge for the United States District Court for the District of New Jersey, filed on September 28, 2015, in the action *Depomed, Inc. v. Endo Pharmaceuticals Inc.*, Case No. 3:13-cv-02467-MLC-TJB, Dkt. 56 (D.N.J.).

5. Attached hereto as Exhibit 4 is a true and correct copy of a letter from Lisa Kobialka, counsel for Depomed, to Gasper J. LaRosa, counsel for Purdue

Pharma L.P., The P.F. Laboratories, Inc., and Purdue Pharmaceuticals L.P.

(“Purdue”), dated April 19, 2016.

6. Attached hereto as Exhibit 5 is a true and correct copy of an email chain from Hannah Lee, counsel for Depomed, to Lisamarie LoGiudice, counsel for Purdue, dated May 17, 2016 to May 20, 2016.

7. Attached hereto as Exhibit 6 is a true and correct copy Purdue’s Preliminary Proposed Claim Constructions Pursuant to L. Pat. R. 4.2.(a), in this present action, served on April 20, 2016.

8. Attached hereto as Exhibit 7 is a true and correct copy of a letter from Lisa Kobialka, counsel for Depomed, to Lynda Q. Nguyen, counsel for Purdue, dated September 23, 2013.

9. Attached hereto as Exhibit 8 is a true and correct copy of a letter from Lynda Q. Nguyen, counsel for Purdue, to Lisa Kobialka, counsel for Depomed, dated September 27, 2013.

10. Attached hereto as Exhibit 9 is a true and correct copy of the August 25, 2014 redacted Opinion in the action *Depomed, Inc. v. Actavis Elizabeth LLC, et al.*, Case No. 3:12-cv-01358-JAP-TJB, Dkt. 383 (D.N.J.).

11. Attached hereto as Exhibit 10 is a true and correct copy of the Order Construing Claims filed on May 17, 2011, in the action *Depomed, Inc. v. Lupin Pharmaceuticals, Inc., et al.*, Case No. 09-cv-05587-PJH, Dkt. No. 107 (N.D.

Cal.), produced by Depomed bearing production numbers DEPO-PURDUE 008657 through DEPO-PURDUE 008680.

12. Attached hereto as Exhibit 11 is a true and correct copy of the December 20, 2006 Order, in the action *Depomed, Inc. v. IVAX Corporation*, Case No. 06-cv-00100-CRB, Dkt. No. 76 (N.D. Cal.), produced by Depomed bearing production numbers DEPO-PURDUE 074137 through DEPO-PURDUE 074156.

13. Attached hereto as Exhibit 12 is a true and correct copy of the January 28, 2014 Opinion, in the action *Depomed, Inc. v. Actavis Elizabeth LLC, et al.*, Case No. 3:12-cv-01358-JAP-TJB, Dkt. No. 163 (D.N.J.).

14. Attached hereto as Exhibit 13 is a true and correct copy of a letter from John E. Flaherty, counsel for Endo Pharmaceuticals Inc., to Honorable Mary L. Cooper, United States District Judge for the United States District Court for the District of New Jersey, filed on June 13, 2014, in the action *Depomed, Inc. v. Endo Pharmaceuticals Inc.*, Case No. 3:13-cv-02467-MLC-TJB, Dkt. 45 (D.N.J.).

15. Attached hereto as Exhibit 14 is a true and correct copy of a document entitled “MS Contin® (morphine sulfate) 30 mg Controlled-Release Tablets, Product Data Brochure” (1984), produced by Purdue bearing production numbers PDM169143 through PDM169172.

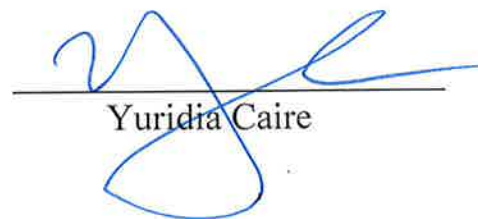
16. Attached hereto as Exhibit 15 is a true and correct copy of U.S. Patent 6,488,963 entitled “Hot-Melt Extrudable Pharmaceutical Formulation,” issued on

December 3, 2002, produced by Purdue bearing production numbers PDM171134 through PDM171142.

17. Attached hereto as Exhibit 16 is a true and correct copy of Patent Application No. 60/020623, filed on June 26, 1996, with the United States Patent and Trademark Office, produced by Purdue bearing production numbers PDM171068 through PDM171133.

18. Attached hereto as Exhibit 17 is a true and correct copy of the Memorandum Opinion filed on August 3, 2012, in the action *Depomed, Inc., et al. v. Sun Pharma Global FZE, et al.*, Case No. 11-cv-03553-JAP-TJB, Dkt. No. 66 (D.N.J.).

I declare, under penalty of perjury, under the laws of the United States that the foregoing is true and correct. Executed on June 21, 2016, in Menlo Park, California.



Yuridia Caire